THE New Republic

Felix Frankfurter

At Seventy-Five

By Alexander Bickel

Pages 7-9

China As It Is

Richard Hughes Reports on His Just-Completed Two-Month Tour of Communist China

A Catholic for President?

I-1960 Is Not 1928

By HELEN HILL MILLER

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Washington Wire

Pluck, Thrift, Poppa

WE FIND we have been doing an injustice to Jean Paul Getty. We never even heard of him, but it turns out that he is the richest American. *Fortune* magazine has been doing some finger-counting and comes up with the announcement that Getty is worth maybe a billion. Getty says probably it's more and adds the memorable and disarming observation that "a billion isn't what it used to be." This is a fine approach; Getty should go far—in fact, has. His life is one of those Horatio Alger stories in calf binding. It could only happen in America! Poor chap, when his father left him and he opened his little piggy bank he found only $15 million. Was our hero disheartened? Not a bit! He knew that pluck would pay off and so by thrift and hard work he raised his modest nest egg to something quite worth while.

While others sold oil shares in 1929 Getty bought them, and this turned out to be a really good idea. *Fortune* notes that "oil—either as the basis of inherited fortunes or as the root of new ones, is the greatest single source of American wealth." The Very Rich, it adds, constantly search out the extractive companies where much of the net income is "tax-free because of depletion allowances." Pluck, hard work—and the 27.5 percent depletion allowance. . . .

Chins Up

WE NOTED President Eisenhower's dignity and earnestness in his first chins-up speech last week. We were grateful there was so little unction; he mentioned "spiritual" only once and "Heaven" not at all. Nor did he repeat the "not alarmed one iota" comment with which he and most of his Cabinet first tried to shrug off Sputnik I. Yes, this was a great improvement. And high time, too—when Texas truck drivers begin to faint at the sight of mysterious outer-space objects that turn off their headlights and conk their motors you can bet that the nation is getting jittery!

It was a good thing to let the Soviets know, too—as the President did, quietly and calmly, at the end of their boastful 40th Anniversary war dance in Moscow—that they face retaliatory power of a probably annihilatory magnitude if they lose their heads.

The weakness in the Eisenhower speech was, of course, that if his new steps are good—why weren't they taken before? Missile Coordinator James R. Killian from MIT is a good man, but where was Eisenhower when Engine-room Charlie Wilson made the secret multi-million dollar cutback in research before? Maybe inter-service rivalry is going to be curbed at last; we have heard that promise many times. What really alarms us, though, is the unspoken implication that the President still thinks his austerity budget is sufficient. We think public anxiety is going to force him out of this delusion; we hope so.

The Election Returns

LAST WEEK'S elections had few surprises. The Democratic tide still runs strong. New Jersey Governor Robert Meyner now becomes a prominent Democratic Presidential candidate but he must fill in his negative political personality—at present he's too neutral and middle-roady. Virginia, of course, went Byrd-Democratic; no surprise here; it shows the South quitting Eisenhower for the wrong reason and probably ready to bolt the North—which would be a fine thing. Negro voting in Harlem and certain New Jersey wards polled larger Democratic strength than ever in spite of Little Rock, a matter of deep significance to party leaders. Finally, the city of Little Rock itself showed how little it appreciated Governor Faubus by knocking off all racist extremists in electing a seven-man Board of Directors.

What does it all mean? That Democrats may win 50 to 100 House seats at next year's midterm election (when the "outs" normally do make a swing back though a smaller one). Latest Gallup Poll shows Eisenhower's popularity still astonishingly high—57 percent. But the love affair is cooling: a decline of 22 percentage points since January.

Nixon, of course, is coming up. We've noted this repeatedly. By getting his California friends to threaten to cut off Gov. Goodwin Knight's campaign funds, he forced his old enemy to drop his re-election fight (giving a clear field to Knowland for the Governorship) and brought Knight crawling to him in Washington to kiss his hand. This talented and ruthless young man also forced Harold Stassen, you remember, to make what was, in effect, a public recantation at the GOP convention last year, something new in American politics. Nixon now has a regular press claque to which he feeds inside stories. Most pathetic minority in Washington is a little group of so-called "modern Republicans" who are searching quietly, desperately for a Presidential alternative to Nixon. We see no hope for them. Nixon seems an almost sure bet for the GOP 1960 nominee.

The Fourth Branch

LAST FEBRUARY Speaker Sam Rayburn did an unusual thing; he took the floor in person and told the House the time had come to investigate the state of the so-called regulatory agencies. He saw, too, that the Moulder Committee got $250,000 to do it. Now a preliminary hearing has been held, and the real show starts in December. The regulatory agencies police and carry out the edicts of Congress; they affect the price you pay for a railway ticket, for a loaf of bread, or the kind of program you get on TV. They are the little known "fourth branch" of government. More and more in five years the Eisenhower big business Administration has been packing them, hobbling them. Sherman Adams intervened directly with the Securities and Exchange Commission, for example, to postpone investigation of Dixon-Yates. Hearings are likely to be stormy: committee Republicans almost put counsel Bernard Schwartz, of New York University, on the witness stand himself, objecting to his tough methods. The maneuver failed; the show will go on.

T.R.B.

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THE WEEK 3

Lecture One; Fulton in Wonderland

ARTICLES 7

Justice Frankfurter at Seventy-Five by Alexander Bickel

A Catholic for President? by Helen Hill Miller

China As It Is by Richard Hughes

BOOKS 17

TELEVISION 22

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Correspondence

► *Mencken and the Wrong Side*

SIRS:

I HAVE just read Gerald W. Johnson's article, "Oh, For Mencken Now," in your issue for September 30, 1957. In his usual brilliant style and with his usual profundity and vast resources of information, he deplores the return of evidences of racism in the United States

(Continued on page 23)

Lecture One

IN THE FIRST of his projected series of speeches to the nation brought on by the spectacle of Sputniks, the President had the sound of a man who realizes that his back is to the wall, even if he wants the country to think that its isn't. Until the lecture series is completed, it would be unfair to conclude that Mr. Eisenhower's belated recognition of the challenge of Soviet technology is inadequate. But it is not unfair to suggest that his speech and Congressional reaction to it demonstrate once more that the Soviet Union is the most powerful force in Washington. Let the Kremlin by its accomplishments arouse our fears and pride, and watch us get up and go! Now that the blinding thought has entered millions of heads that the US might become a second-best nation, Congress will be in a mood to do things next January of which it would not have dreamed last August.

Our reaction to Mr. Eisenhower's first lecture is mixed. We applaud his candid admission that the Russian satellite program is a scientific and technical triumph. We applaud his appointment of one of the country's leading scientific statesmen as a special assistant with the mission of injecting energy and purpose into the research and development programs of the defense establishment. We applaud his decision that the Assistant to the Secretary of Defense for the guided missile program must have the authority he has not had, or has not exercised, up to now. On the other hand, we detect some false notes in his efforts to reassure the nation by pointing out what has been accomplished for defense under his Administration, and we are compelled to observe that the corrective actions he now proposes taking implicitly confirm the existence of a "missile mess" and other technological shortcomings.

We applaud, of course, his recommendation for amendment of our atomic energy and other security legislation to facilitate exchange of information with our allies and thereby improve the free world's chances of staying ahead in the technological race. A determination to pool "secrets" and research work with our NATO, SEATO, and even South American partners could prevent costly duplication of effort and significantly increase our strength in scientific manpower. The latest estimates are that the USSR and the US are now about equal in the number of working scientists, engineers and technicians: 1.7 million in the USSR; 1.6 million in the US. There are 630,000 in Britain and Western Europe with whom the US could unite if the McMahon Atomic Secrecy Act were relaxed.

It is well to point out, however, that so long as this common sense proposal for pooling is justified by the absurd argument that we need not keep secrets from our allies (and they need not keep secrets from us) *that are not secret to the Russians*, no very sound basis for collaboration has been laid. For what this means literally is that at the point in any research and development program at which we and our allies come abreast of the Russians, we and our allies will cease to communicate.

If we are to escape from this absurdity in a manner acceptable to Con-

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gress, we might do so by establishing joint projects upon as yet unsolved problems—starting perhaps with the problem of harnessing the power of fusion reactions, on which the Russians claim to be ahead—with the clear understanding that the projects will be pursued to their logical end, regardless of what "secrets" turn up in the process. To avoid the complex entanglements of joint administration (how much do the British pay and how much do we pay, and who audits the accounts?) it would also be well to define a joint project as one upon which free and complete exchange of information, including exchange of personnel, is authorized. Thus, a British project and an American one authorized to collaborate could be regarded for purposes of "security" as one.

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The President's basic intent to calm our nerves was clear from the fact that he put his list of things-to-be-grateful-for before his catalogue of things-we-have-yet-to-be-grateful-for. We have now, he said, "enough power in being to bring near annihilation to the war-making capabilities of any other country." A little later on he said also: "We frankly recognize that the Soviets are building up types of power that could, if we were attacked, damage us seriously." Why the difference between "near annihilation" and "serious damage"? The explanation, he presumably would have us believe, lies in our basic policy of the "new look" and in the defensive systems we have developed to supplement our retaliatory, nuclear deterrent.

As to the first—the "new look"—the thought occurs to us that the decision to depend "for increased efficiency more upon modern science and less upon mere numbers of men" is one that the Russians may well also have made; at least what they most wanted to show off on November 7 were their new tools of nuclear warfare. It accordingly comforts us little to be reminded that "four battalions of Corporal missiles alone are equivalent in fire power to all the artillery used in World War II" and that "one B-52 can carry as much destructive capacity as was delivered by all the bombers in all the years of World War II combined." On the contrary, it is our contemplation of facts such as these that has convinced us of the need to consider alternatives to total war and perfect deterrence.

Though the President does recognize that this country could at present be seriously damaged, he simultaneously invites us to have confidence in the defenses constructed against that danger. He says, for example, that we "in partnership with Canada, have long been constructing a continental defense system" involving "early warning radars," "electronic computers" and other elements. What bothers us about this is that the Russians also have been constructing intercontinental bombers and must have quite a respectable striking force by now; when is the defense system Mr. Eisenhower says we have "long been constructing" going to be ready to receive them? Furthermore, since the Russians may soon be ready to go into production of ICBM's, surely something more than "increased emphasis" upon the improvement of this continental defense system we are building is called for.

But the principal reason, one gathers, why we need not get panicky is because the threat of US retaliatory striking force will hold the Russians back until our defenses *are* ready. However, the President then observes in passing that there is an "urgent need for greater dispersal in the Strategic Air Command or for providing all the means that will enable airplanes to take off in the shortest possible time after receipt of warnings." Is SAC then not adequately dispersed? Can it in fact *not* now take off promptly enough to avoid destruction on the ground? And if this is the picture, why do we wait for the Russian ICBM threat to materialize before doing something about it? Couldn't SAC be attacked on the ground by the Russian bombers before our warning system is fully established and functioning?

For years General LeMay has been urging the necessity that SAC be more widely dispersed. (At the same time he was patiently explaining that SAC's most acute difficulty is its inability to retain its trained men, which explains, in good part, our support of the Cordiner proposals.) The President now seems prepared to admit that our strategic bombers, an indispensable if wasting asset, need support. Add this to the confessed shortcomings of our missile efforts, and the misleading assurance that the "new look" would keep us ahead, and the Administration still has much to answer for.

THE NEW REPUBLIC . . .

announces with pleasure the appointment of six Contributing Editors.

Four have been regular contributors: Frank Getlein, art critic of *The Milwaukee Journal*; historian Gerald W. Johnson; record critic B. H. Haggin; and Donald F. Malcolm, whose book reviews also appear in *The New Yorker*. Two are distinguished scholars: Alexander M. Bickel, associate professor at Yale Law School, author of *The Unpublished Opinions of Mr. Justice Brandeis:* and James E. King, research associate at the Washington Center for Foreign Policy Research, Johns Hopkins University School of Advanced International Studies, author of studies on national security policy which have appeared in *Foreign Affairs* and other journals.

On the first of next January, literary critic Irving Howe, who teaches literature at Brandeis University and whose book on *Politics and the Novel* was recently published, will join this roster of Contributing Editors.

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Rip Van Winkle

"What happened?"

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Fulton in Wonderland

NEITHER Sir James Barrie nor Mr. Lewis Carroll was ever more delightful than Mr. Fulton Lewis, Jr. whose article on California politics in the November 2 *National Review* we have just read. Mr. Lewis begins his piece with the disarming sentence: "To the political sophisticate, Sen. William Knowland's month-long ceremonial of barnstorming California before announcing for Governor may well have had its faint *odeur de jambon.*" (The French is Mr. Lewis's, not ours.) From this point on, the article takes French leave of sophistication, and sails off on a rosy cloud of charming fantasy.

We are introduced to the *dramatis personae* of California politics as seen through Mr. Lewis' flamingo-tinted spectacles: Bill Knowland, an Old Shoe; Goodie Knight, an Ex-Vaudeville Hoofer; Dick Nixon, a Diffident Youth (further described as unpolished, awkward and bashful.) Then there are Statuesque Helen (Knowland), Fluffy Virginia (Knight) and Nicely Immaculate Pat (Nixon). We are not being disrespectful to these important ladies and gentlemen, merely giving an example of Mr. Lewis' cozy style.

Now for the plot. It is a love story, with conflict. The Old Shoe and the Diffident Youth have formed an alliance against the Ex-Vaudeville Hoofer, two shining knights against one dragon. The goal of these paladins, as we understand Mr. Lewis, is to win the Governorship of California for the Old Shoe, so that both he and the Diffident Youth can be elected President in 1960 or 1964. We don't know if that's what Mr. Lewis *means* to be saying, but it is what he *seems* to be saying. The Old Shoe and the Diffident Youth love each other so much (a pure love, not to be confounded with the impure passions of the Ex-Vaudeville Hoofer, who goes to bed with labor bosses) that it is inconceivable that either would stand in the other's road to the White House. There seems to be no other solution than to send both of them up Pennsylvania Avenue in Homburgs.

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The great love of this stalwart pair is founded on gratitude. The Old Shoe, it seems, "engineered the Vice Presidential nomination for Nixon at Chicago in 1952 . . . and Richard Nixon does not forget." It would be indelicate, one feels, to remind Mr. Lewis that Senator Knowland in 1952 was pledged to his benefactor, Governor Earl Warren, and was reported to be more than mildly miffed when Mr. Nixon, he of the memory, appeared to forget his own pledge to Warren and absent-mindedly popped up on the Eisenhower bandwagon. Mr. Lewis easily torpedoes that sort of crass and possibly subversive talk. He tells us that the "feud" between Knowland and Nixon is a phony invented by venal journalists in the camp of the Hoofer. Mr. Lewis offers proof that there has been no firmer friendship since Damon and Pythias: he has actually seen Mmes. Knowland and Nixon "confidentializing" at public affairs! So there!

And besides, the Old Shoe owed Warren nothing anyway. It seems that an even Older Shoe, Senator Knowland's father, had "moved Warren into the Governor's chair," so it was "no miracle that Warren appointed Bill Knowland to the Senate. . . . Warren was merely the pin in the hinge." So much for Warren, and for gratitude.

Now, like all charming fantasies, this one boasts its ogres and trolls. And not the Democrats you might expect. The villains of the piece are listed as the aforementioned Governor Knight and Chief Justice Warren, Sherman Adams, Modern Republicanism, Paul Hoffman, schisms and counter-schisms, Little Rock, the Budget, Sputnik and golf.

It appears that this collection of calamities may block the road in 1960, so that we may have no Heavenly Twins in the White House until 1964. But then, ah then, we can look forward to the elimination of the "playboy amateurs" and the return of the Republican organization to the "traditionalists who support Nixon and Knowland." Parenthetically, it is interesting to note that Mr. Lewis confidently assumes Mr. Nixon's opposition to Modern Republicanism and thus by a masterly plea in avoidance clears him of guilt by association with President Eisenhower, even on the golf course.

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Unfortunately for Mr. Lewis, rapidly changing events knocked the props out from under his little drama. Since he wrote his article, his California Triangle radically altered its shape. Governor Knight agreed to bow out of the race for Governor against Senator Knowland and will run for the latter's vacated seat in the Senate instead. We wonder how this startling turn of events will affect Mr. Lewis' future writings on the subject. Surely he will not agree with those cynics who will suggest that California Republicans look on important political offices as little trinkets to be handed round among the deserving like favors at a children's party. Or with those who will say that Goodie Knight has been brusquely told to take the leavings or else—if a seat in the United States Senate can be described as the leavings; that would have more than a "faint *odeur de jambon.*"

We are certain that Mr. Lewis will interpret the Hoofer's action as still another touching manifestation of gratitude and love on the part of all concerned. He will undoubtedly paint for us a charming picture of the Diffident Youth trying the Old Shoe's shoes on the nimble tootsies of the Hoofer, now miraculously no longer a dragon, but a paladin among paladins.

And so Mr. Lewis' California Triangle will at last be bounded on all three sides by Love. Possibly all *three* of them could be elected President.

Do *you* believe in fairies?

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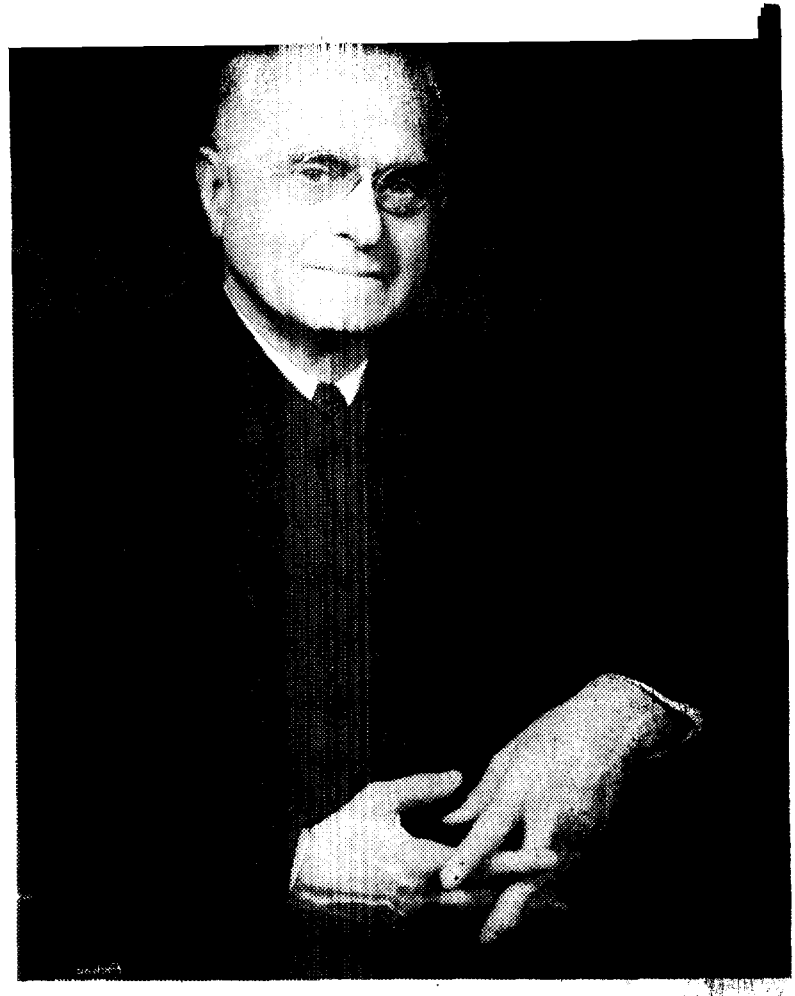
Justice Frankfurter At Seventy-five

by ALEXANDER M. BICKEL



ON NOVEMBER 15, 1957, Mr. Justice Frankfurter is 75, and on January 30, 1958, he enters upon the 20th year of his service on the Bench. Anyone who is fooled by the roundness of the figures into believing that this is the occasion for attempting a summing-up will soon find himself left far behind by the continued onrush of the Justice's life and work. If we should try so early grasping for ultimate conclusions about him, we will be left gasping. But this is a fitting time for an appreciation: a time to celebrate his half-century as lawyer, teacher, writer and judge—50 years in which the positions he has held have borne a number of formal designations, but in which the purpose and the function of the man have always been essentially one and the same.

It is an American folkway to reserve a special sort of commendation for those successful men whose origins—social, national, religious—are deemed to have imposed handicaps on them; especially if the misfortune is compounded by foreign birth. There is, of course, a good deal of fatuous sentimentality about this custom. And it can be not a little patronizing. Self-praise so often drowns out praise of the man, who in turn is submerged in a group of incidental and indiscriminate composition.

But it is relevant, in a somewhat different sense, to remark on the fact that Felix Frankfurter—a member to be sure of a cultivated family with strong intellectual traditions—started life in the United States as an immigrant Jewish boy. From these beginnings—scarcely the usual ones among our statesmen—he rose to great national influence during his years as a civil servant and as a teacher at Harvard, and then to one of the highest and most far-reaching offices in the gift of the Republic. This is a splendid and a rare career, comparable in the annals of the English-speaking peoples perhaps only to those of Benjamin Disraeli and Judah P. Benjamin (the latter, of course, having had two—one here and one in England. In such a career—pursued without compromise of principle, indeed with an utter inability to so much as modulate moral and intellectual integrity—we feel in as pure a form as it can be sensed in this world the power of mind, character and personality, boosted in the least possible degrees by fortuitous extraneous forces. And this is a thing of beauty. Such a career is a tribute to the personal gifts and power of the man, and in a secondary way also to the society which permitted itself to benefit from those gifts.

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Early in his professional life, Justice Frankfurter came under the influence of two important figures. One, the elder, was James Barr Ames, Dean of the Harvard Law School in the years when the Justice was a student there. (The Justice graduated in 1906.) The other was Henry L. Stimson, who as United States Attorney for the Southern District of New York and later as Secretary of War under President Taft was the Justice's chief in government service.

Dean Ames, the evidence becomes more convincing with every year that increases our distance from him, was an immensely effective teacher. And he did not teach the easy things. He took and exemplified and inculcated the grand and rigorous view of his profession. He was preoccupied, as Justice Frankfurter has remarked, "with seeking and promoting the ethical foundations of law." But in seeking and in promoting he would not abandon, he insisted on, intellectual discipline. He knew that our

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ALEXANDER BICKEL, *a contributing editor to this journal, served as a clerk to Justice Frankfurter and now teaches at Yale University Law School. His book on* The Unpublished Opinions of Mr. Justice Brandeis *has just been published.*

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chief assurance of value in what we find and hold lies in the process by which we do so. This has been one of the creative unities in the lifework of Justice Frankfurter.

Mr. Stimson was an Old Roman who embodied the subtle and complex rectitudes that are implicit in the seemingly elementary admonition: "A public office is a public trust." He was very nearly to perfection the public servant who knows how to strike the balance between the duty of deference to the popular will, and the responsibility of guiding our people along paths of reason and decency, conforming with the traditions and aspirations of our society. There is no formula for achieving the right mixture of deference to the public will and responsibility for the public good. But this much is certain: In our society of public and semi-public, multi-purpose and sometimes cross-purpose institutions, the proper proportion of the component parts will vary with the institution and, within it, with the function it performs in a given situation. The task of achieving the mixture is thus an unending one. A candid and faithful recognition of the nature of the task and of the trust it constitutes has been another of the creative unities in the lifework of Justice Frankfurter.

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During the Twenties and early Thirties, when the Justice was Byrne Professor of Administrative Law at Harvard, a majority on the Supreme Court of the United States frequently ignored, it is fair to say, "the ethical foundations of the law" and the Court's role in seeking and promoting them. The Court's intellectual processes were often shoddy. Finally, the Court almost consistently set its course in blithe disregard of the functions of other institutions of government and in defiance of deep-seated popular desires. Opposition within the Court came resoundingly from Holmes and Brandeis, later from Cardozo and Stone, and occasionally from Chief Justice Hughes. On the outside, the leading voice was that of Professor Frankfurter.

Seldom in our history has solidly-founded private scholarship been so responsibly and effectively brought to bear on public issues as it was in this period through the writings of Professor Frankfurter. There were numerous articles in professional publications. There were series of lectures, among which those published as "The Commerce Clause under Marshall, Taney and Waite" deserve special mention for the lucidity which made them accessible to the general reader. "The Labor Injunction," written with Nathan Greene, was a critique of the Court's disastrous stewardship of labor relations. It resulted shortly after publication in passage of the Norris-LaGuardia Act; and its philosophy and documentation had much to do with the new departure made in the Wagner National Labor Relations Act, the basic policies of which are still law. Other writings, including many that appeared in this journal, were addressed beyond the professional audience. A representative collection of them was edited by Archibald MacLeish and Edward F. Prichard, Jr., and issued under the title, *Law and Politics*.

But this catalogue of writings tells only a partial story. It will be many biographies of many men from now before we can know (and then so much will remain intangible) the full extent of Felix Frankfurter's influence. Countless leading figures of the time felt directly, and not only through his published works, the force and attraction of Mr. Frankfurter's mind and personality. The impact on events was, we may be sure, appreciable. Mr. Justice Brandeis was referring to this fact when, writing to Harold J. Laski in 1928, he made an estimate that needs no elaboration: "He [Frankfurter] seems to me clearly the most useful lawyer in the United States."

Nor is this all. Mr. Frankfurter was, of course, a teacher, and he was a great teacher. To him were drawn year after year, the best minds and most venturesome spirits among Harvard law students. Such a teacher multiplies himself in his students. Justice Brandeis—as he would—saw what was happening and understood the consequences earlier than most. In 1952, he wrote—also to Harold J. Laski: "The year has been for Felix, also, one of happy usefulness, with an ever widening appreciation of his rare qualities. His students are becoming teachers. Given another 20 years of such activity, and he will have profoundly affected American life."

Justice Frankfurter's interest in his students did not end with their graduation, and it was not always necessary to enroll in the Harvard Law School to become a student of his. Nor has he stopped having pupils since his elevation to the Bench. His generation has always been the next one. He brings quick and generous understanding to the young. He is never disrespectful of them on the score of mere youth. He is always ready to allow his abundant resources of enthusiasm to be tapped. And there is a special quality to the sustenance he has provided to younger men. The profession of the law has a tendency to seal itself off, or to permit itself to be sealed off. This is a tendency that the Justice, a man of catholic intellectual tastes, has never shared. For lawyers, he has always held invitingly open the door to the wide world of the mind and the spirit. And he has kindled in many who were immersed in other disciplines an appreciation of the law. "So many authors have expressed their gratitude to Mr. Justice Frankfurter," Mark DeWolfe Howe has written in the foreword to the first volume of his biography of Justice Holmes, "that it is becoming almost a ritual of scholarship to acknowledge the indebtedness." A ritual not only—not by far only—of legal scholarship pursued in the traditional ways.

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I have spoken of the abundance of the Justice's enthusiasms, for this is one of the splendors of his temperament,

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and a source of many of his good works. But he is endowed also with a glorious capacity for indignation. Out of this capacity, out of his awareness of the ethical foundations of law and his consequent passionate attachment to the integrity of the processes of criminal justice, and out of the breadth of his conception of the private lawyer as a public servant—out of these sources sprang his defense of Sacco and Vanzetti in a celebrated article first published in the *Atlantic Monthly* and later expanded in book form. There can be no pretense of even suggesting the role played by Mr. Frankfurter in the Twenties and Thirties without mention of this episode.

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Mr. Justice Frankfurter took his seat on the Supreme Court of the United States by appointment of President Roosevelt (it was Mr. Roosevelt's third appointment) in January, 1939. This was for the Court the time, one might say, of the great spring cleaning. The debris of 20 years or so of judicial wrong-headedness had to be swept away. The Social Statics of Mr. Herbert Spencer had to be read out of the Due Process Clause of the Constitution, and appalling vacuums of power ordained by the old Court's construction of the Commerce Clause had to be filled in. This was the work of vindicating the essence of the dissenting views of Holmes and of Brandeis, and in this work Mr. Justice Frankfurter strove mightily. And had he not been there, his writings and his teaching would have played their role in this inevitable development—in this development which his writings and his teaching helped to render inevitable.

To clear away the debris was not, however, to clear away the problems. New questions arose, of course. They were perhaps only the old questions in new aspects—the old sheep in new wolves' clothing. But they required new answers. There were those who sought to evolve techniques for mechanizing the judicial process, so that abuses such as those chargeable to the old Court might be forever avoided. In order that the likes of Herbert Spencer might never find their way into the Due Process Clause again, let us so define that Clause, it was said, as to bind posterity to our views. And let us find new utility in other, seemingly less imprecise clauses of the Constitution, and by applying them achieve our ends. This, as Justice Frankfurter saw, was illusion and wish-fulfillment. Assurance that the Court's values were the right ones could not be derived from mechanical formulas of any sort. There were no labels and no devices that would serve this end; only the integrity of the intellectual process; only candor in recognizing and facing the task. The old complicated rectitudes—duty to sustain what must endure, deference to the electorally responsible institutions—could not be simplified.

The life and work of Mr. Justice Frankfurter is a creative unity—a life and a work of great courage and candor. He does not mask, from himself or from us,

IN FAIR WEATHER and foul he lived his faith with extraordinary fidelity. Though highly sensitive and strongwilled, he maintained his intellectual and emotional rectitude with unruffled serenity. He was a Spartan, but the more Spartan because he wanted a world of joy and beauty and could revel in their exercises. I have never known a worldly man who was more just, nor one of tenacious will more gentle and forbearing. He cared passionately for the fulfillment of the promise of American life, and because he so cared, he labored with an almost heroic perseverance to bring his own life into the greatest possible accord with the insight that was vouchsafed him. He was as far removed from a prig as the poles are asunder; nothing therefore could have been farther from his mind than to serve as an exemplar. But if he had been consciously designed as a model of brave and sincere and generous living, he could not have been fashioned more appropriately.

—FELIX FRANKFURTER, *writing of Herbert Croly in* The New Republic *of July 16, 1930.*

what he has called "a judge's perplexities" (The phrase appears in his very important address, "John Marshall and the Constitution," which was delivered in 1955 and appears in "Of Law and Men," a collection of his papers and addresses edited by Philip Elman.) No other judge, not even Brandeis, has had a subtler appreciation of the institutional capabilities and infirmities of the Court, and of their bearing on tasks it should and should not assume. No other judge has faced the essential task with greater valor or (the word is used with the image of Mr. Stimson in mind) greater rectitude. Let the evidence of the Justice's own words in a concurring opinion at the last term of Court speak to this. The case was *Sweezy v. New Hampshire*:

> To be sure, this is a conclusion based on a judicial judgment in balancing two contending principles—the right of a citizen to political privacy, as protected by the Fourteenth Amendment, and the right of a State to self-protection. And striking the balance implies the exercise of judgment. This is the inescapable judicial task. . . . It must not be an exercise of whim or will. It must be an overriding judgment founded on something much deeper and more justifiable than personal preference. As far as it lies within human limitations, it must be an impersonal judgment. It must rest on fundamental presuppositions rooted in history to which widespread acceptance may fairly be attributed. Such a judgment must be arrived at in a spirit of humility. . . . But, in the end, judgment cannot be escaped—the judgment of this Court.

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A Catholic for President?

I-1960 Is Not 1928

by HELEN HILL MILLER

IF ONE *of the major political parties, in 1960, should* nominate a Catholic for the Presidency, to what extent would voters be influenced for him or against him by the fact of his religion?

With Sen. John F. Kennedy of Massachusetts clearly in the running on the Democratic side, and American Red Cross Director Alfred M. Gruenther frequently mentioned as a dark horse who might emerge from a Republic deadlock, the question acquires more pertinence than it has had since the campaign of Al Smith vs. Herbert Hoover in 1928.

During the intervening generation, the political and economic scene in the United States has changed so markedly as to make one thing sure: there will not be a repeat performance of the 1928 contest. One characteristic of the American Catholic remains unchanging: he is a faithful member of an hierarchically organized religious community which has spiritual concerns and secular interests, membership in many countries, and its center of authority vested in the Pope in Rome. But many other characteristics of the American Catholic population have altered appreciably over the past 30 years.

In 1928, to begin with, American Catholics were mostly immigrants; earlier Irish and German arrivals were being followed by a heavy influx from Southern and Eastern Europe. Congress, with bipartisan support, had just passed a series of immigration laws to hold down incoming numbers. The Irish were concentrated chiefly in the large cities of the Eastern seaboard; the Germans were clustered in the Ohio and Upper Mississippi River basin, from Cincinnati to Milwaukee to Bismarck to St. Louis. The Southern and Eastern Europeans supplied the low-paid labor in the mines, the steel mills, the garment industry. The only two states with long-term backgrounds of Catholic culture were Maryland and Louisiana. Elsewhere, the Protestantism of the founding fathers was pervasive and militant—a source of informed pride on the Atlantic seaboard among Pilgrim descendants in New England, Scotch and Scotch-Irish Covenanters in the uplands of the South, and a taken-for-granted assumption westward from the prairies to the coast. In the late 1920's, the Ku Klux Klan was in full revival—anti-Catholic, anti-Negro, anti-Jew—with strength from Georgia to Indiana. Among fables in circulation among the willingly ignorant was the assurance that if a Catholic became President, the Pope would build a communicating tunnel under the Atlantic affording direct access between the White House and the Vatican. The facsimilies of the avidly-circulated literature of hate presented by Michael Williams in his *Shadow of the Pope* illustrate contemporary extremes of bigotry.

In 1928, most Protestants outside the South were Republicans, and the Republican Party was in power. Prosperity had dried up many issues, but not the issue of prohibition. Voters in the Middle West and the Great Plains states found it easy to echo the slogan of 1884: "We are Republicans, and don't propose to leave our party and identify ourselves with the party whose antecedents have been Rum, Romanism, and Rebellion." And in the South feeling about the rum and the Romanism was so strong that six states did leave their party and help put Herbert Hoover in the White House.

All of this background was pertinent to the Smith campaign: Smith was a Catholic, but he was also a wet Tammany Democrat from the sidewalks of New York. (And what sort of hostess, went the gossip, would that wife of an immigrant's son make in the White House?)

Today, positive efforts to reduce intolerance have produced a climate very different from that of 1928. True, the White Citizens Councils and the Defenders of State Sovereignty and Individual Liberty are currently inciting the same elements as the Klan of the 1920's did, but their threat to the fabric of national tolerance is at present concentrated on the Negro. Current social mores take for granted a balanced representation of Protestants,

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Catholics and Jews on the directorates of a wide variety of American institutions—civic, cultural, charitable. Three national co-chairmen, and a board of 200, head the National Conference of Christians and Jews, founded after the 1928 campaign in response to a study of religious bigotry conducted by the Federal Council of Churches.

This civic organization, which started with an initial budget of $15,000 and one paid secretary, now has 62 regional offices across the country and an annual budget of $2¾ million; on behalf of "brotherhood," defined as giving to others the same rights, responsibilities and dignity that one wants for one self, it acts through a wide range of organizations and through the mass media. Partly as a result of the missionary work of such organizations (the Anti-Defamation League of the B'nai B'rith is another of the more effective pro-tolerance organizations) almost any *public* reference to a politician's religion has come to be considered improper. (Indeed, while *Abie's Irish Rose* established a Broadway record in the 1920's opinion now so frowns on the telling of stories on Negroes, Jews and Catholics that the only safe butt for this kind of humor is the traditional Scotsman.)

Today, prohibition has been removed as an issue.

Today, outside the South, Catholics can no longer be regarded as a minority, or indeed as a readily-identifiable group. Available figures on religious affiliation are not too reliable—they are compiled from official counts by the various religious bodies. Methods of computation, particularly the age at which children are counted as members, differ from church to church. The last adequate government census of religious bodies was taken in 1926, and no attempt at enumeration has been made since 1936. (The propriety of inserting a question on individual religious affiliation in the 1960 census is a subject of current controversy—most Catholics, incidentally, would welcome it; a likely compromise solution would be to make a sample survey.) But such statistics as are at hand show that among those Americans—they constitute about half the population—who claim a religious affiliation, the Catholics predominate by nearly three to one in New England, five to three in the Middle Atlantic states. In the South, the ratio of Catholics to Protestants is only about one to four, but in the North Central area it is about five to seven; they come close to breaking even in the West, with a slight margin in the Catholics' favor on the Pacific coast. The percentage of Catholics outnumber that of Protestants in the population of 15 states: all six New England states, New York, New Jersey, Illinois, Michigan, Louisiana, Montana, New Mexico, California. In one state, Pennsylvania, the ratio is: Catholic 27.3 percent, Protestant 28.2 percent. In four other states—Ohio, Wisconsin, Maryland, Nevada, there is less than 6 percent difference between the two ratios.

1928 cartoon—Smith invites running-mate, Robinson, to kiss the Pope's toe.

During the first session of the current Congress, 95 Catholics served as members of the US Senate and House of Representatives. Some came from states or districts with large urban centers but others—Mansfield of Montana, O'Mahoney of Wyoming—from rural areas. By no means do all of them rely solely on the votes of their co-religionists. Indeed the 1956 gubernatorial race in Louisiana indicated that on occasion religious lines can be crossed both ways. In defeating Catholic deLesseps Morrison, Protestant Earl Long obtained 70 percent of the votes in Evangeline Parish, where Catholics outnumber Protestants 20 to 1, while in Caddo Parish, where Protestants outnumber Catholics by 7 to 2 he polled only 38.8 percent.

Nor are all Catholics grouped under one party banner. Though in the past most of them have tended to be Democrats, both parties agree that there has been a movement to the Republican column reflected in Congressional elections after World War II and in the Presidential choices of 1952 and 1956. One estimate suggests that the shift accounted for perhaps 7 percent of the 1952 vote for Eisenhower. (Should this trend continue, nomination of a Catholic on the Republican ticket in 1960 might produce a greater change than would result from a similar nomination by the Democrats.)

The shift in party allegiance is regarded as having been greatest among Catholic families whose recent history has included a move—a geographic move to the suburbs, and an economic move to a higher income bracket—in both cases a move to a Republican milieu.

Today, not only Tammany, but most of the big city Catholic machines have heard their last hurrah. As their former clients have increased in earning power, become entitled as of right to unemployment insurance and social security, and moved to the suburbs, the old political mechanisms have been left destitute. In some areas, too, what used to be a solid Irish Catholic vote has become complicated by ethnic complexity. Today's New England Catholic may be of Portuguese, or Italian, or French-Canadian ancestry quite as well as of Irish extraction. Asking one Irish Catholic to vote for another has a double pull, only half of which is available when the appeal is to Catholic voters for whom the old country

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is not the auld sod. With a diminution in power of the machine in a given city, a Catholic candidate from the area can dissociate himself from it and seek a broader constituency, even without action as overt as that of Senator Kennedy in 1947. Then, as a freshman member of the House of Representatives, alone among Democrats of the Massachusetts delegation, Kennedy refused to sign a petition of clemency for former Boston mayor James M. Curley, in prison for mail fraud. The incident was underlined by the fact that Curley was Kennedy's immediate predecessor as Representative of the 11th Massachusetts District.

But the most striking recent evidence of new power of a Catholic candidate to attract votes appeared in the enthusiasm for Kennedy among Southern delegations during the contest for the Vice Presidential nomination last summer. On the second ballot, eight Southern states—Arkansas, Georgia, Kentucky, Louisiana, Mississippi, South Carolina, Texas and Virginia—gave him their entire vote; Alabama gave him a majority of its delegation; North Carolina and Florida indicated sizable minorities in his favor. Of these states, a generation earlier, five had switched parties to support Hoover rather than Smith. True, their 1956 votes were closely related to the Stop-Kefauver movement, but political preferences always are largely determined by available alternatives. The noteworthy fact is that the preferred alternative was a Catholic.

Since that time, moreover, a liking for Kennedy for 1960 has been indicated by advance billing in a number of states. On the week-end of June 10, Senator Kennedy went to Georgia for a commencement address, a TV appearance, and a joint reception with Senators Russell and Talmadge for some 700 local leaders at Atlanta's Dinkler-Plaza; Georgia Democratic state chairman John Sammons Bell announced it "highly likely that the state's next Democratic delegation will support Kennedy." On August 4, Sen. John McClellan of Arkansas, on whose labor racketeering subcommittee Senator Kennedy is a member and his brother Robert is general counsel, noted that "Kennedy has definite Presidential potentials." In recent weeks, Kennedy has received ovations in the deep South from Gainesville, Florida, to Jackson, Mississippi. It looks as though some, at least, of the conservative Southern leadership searching for a candidate for whom local support might be available within the framework of the national Democratic Party, have picked Kennedy as the least objectionable of the Northern contenders. Their liking, indeed, is sufficiently cumulative for Kennedy to be in some danger of appearing in the North as white supremacy's white-haired boy.

A parallel exists between Kennedy's support in the states of the Southeast, Georgia in particular, and the support of Premier Maurice Duplessis in Canada's Province of Quebec. Over the years M. Duplessis, a Catholic, has enjoyed the backing not only of Quebec's Catholics, but also of the largely Protestant industrialists who have been rapidly installing a modern economy in what was formerly an agricultural region. In the decade and a half since the war, Montreal and Atlanta have both become centers of an expanding industry, much of which, in each instance, derives its capital and top management from the big industrial and financial centers of northeastern United States. In both cases, the industrial influx has been due to a combination of natural resources, abundant labor, and the developing markets resulting from their exploitation. While Catholicism in itself is not necessarily attractive to the management group who increasingly set the social tone of these areas, the conservatism normally associated with it is attractive; in the face of less conservative alternatives, an accommodation can be arranged.

Actually, Kennedy's voting record, unlike the predilections of M. Duplessis, hardly supports his acceptance as a conservative. In a compilation on Senate voting records by the Committee on Political Education of the AFL-CIO made on 20 selected issues of the 1946-56 decade, 11 of which occurred after Kennedy's election to the Senate, Kennedy is noted as having been absent in the hospital during one (on conflict of interest among government executives); voting wrong on another (flexible farm price supports); and voting right on the remaining nine—the Bacon-Davis amendment (on wages paid on federal construction), civil service, postal pay, unemployment compensation, offshore oil, public housing, social security, a $700 income tax exemption, natural gas, Dixon-Yates. (On the McCarthy censure motion, which came to a vote while he was away and which the AFL-CIO omitted from its list, Kennedy has not declared his stand.) Similarly, in a compilation of 12 roll-calls regarded as significant by Americans for Democratic Action during the first session of the current Congress, Kennedy was rated as voting liberal 83 percent of the time.

But conservatives find the Kennedy family background immensely reassuring. Over the years, patriarch Joseph Patrick Kennedy's economic and financial interests have been substantial and ubiquitous and his views—from isolation to McCarthyism barely distinguishable from the GOP Old Guards. His legal residence is in Palm Beach Florida; his summer home in Hyannisport, Massachusetts; his office on Park Avenue, New York. His business connections range coast-to-coast—shipping, corporation finance, the movie industry. (It was Hollywood's Dore Schary who selected Jack Kennedy as narrator for the Democratic Party's 1956 convention film, *Pursuit of Happiness*.) Squarely in mid-continent is Chicago's Merchandise Mart, a $17 million Kennedy purchase whose manager, his son-in-law Robert Serwin-Schreiber, Jr., is showing marked signs of becoming an Illinois gubernatorial candidate. His seven children are Ivy League-

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Junior League in manners. They experienced diplomatic life in a foreign capital when their father served as his country's Ambassador to the Court of St. James in the years before World War II. One daughter married into the English aristocracy. In this country, occasional news items have announced feminine Kennedy jewel losses running into tabloid-sized figures.

Joe Kennedy has said that he and son Jack disagree on many issues, but when a Kennedy campaign is on, the entire family gets into the act, the father with fountain pen flowing. During Jack Kennedy's 1952 campaign for the Senate, "Coffee with the Kennedys" on TV and tea with the Kennedys in precinct after precinct gave Massachusetts voters a chance to see in person most of the highly personable tribe. Together they defeated incumbent Republican Sen. Henry Cabot Lodge, Jr., by 69,000 votes at a time when President Eisenhower carried the state by a margin of 208,000—and thereby revenged the 1916 defeat of their maternal grandfather by Henry Cabot Lodge, Sr., who nosed out Boston's former mayor John F. (Honey Fitz) Fitzgerald by 33,000 to return to the Senate and make world history.

So since 1928, many of the circumstances surrounding a Catholic candidacy for top federal office have changed.

Part II of this series—"Catholic Doctrine and the First Amendment"—will appear next week.

China As It Is

Answers to some basic questions about conditions and trends inside Communist China today. The writer has just made his second two-month visit this year to the mainland. On this occasion, he travelled 10,000 miles throughout China by air, rail and road.

by RICHARD HUGHES

Is there evidence of disunity at the top?

NONE. Unity has been—and remains—an obsession with the present leadership, which imposed Communism on China as an operating system after the partners had all worked in loyal cooperation with and under Mao in the wilderness. The "Inner Four" of the six-member Standing Committee of the Politburo—Mao Tse-tung (Chairman of the People's Republic and of the National Defense Council); Liu Shao-chi (Chairman of the Standing Committee of the National People's Congress); Chou En-lai (Premier and Foreign Minister); and Teng Hsiao-ping (Secretary-General of the Party's Central Committee)—runs the Politburo, which runs the Party, which runs the State.

However, there are reputed to be two "schools of thought" in the Politburo; "factions," Peking insiders contend, is too harsh a term. There are the theoreticians, led by Mao, and the administrators or managers, led by Chou. These are unsatisfactory labels, but it is difficult to be more precise. The theoreticians want to persuade the masses to accept the idea and principles of Communism *before* the system is fully and practicably established. They endorse Mao's favorite guerrilla and political maxim: "Go slow at the start and fast at the end." The administrators are more impatient, argue that the masses are now under control and urge that proselytism should take a lower priority to accelerated Communist method, that the stick should be more in evidence than the carrot.

A suave, fence-straddling Party man in exhilarated conversation with a Western diplomat at a Peking reception observed: "Mao is a philosopher, not an economist or manager; his desk is always littered with drafts of pamphlets and speeches and manifestoes. But Chou—if I may be pardoned seeming blasphemy—is like a stern and hustling Wall Street executive; his desk is always bare. Chou is more efficient, but"—he shook his head and gulped another glass of *mao-tai*—"Mao is more effective."

Certainly the impression of bumbling benevolence and shy simplicity which Mao often contrives in public is very Oriental. He can be as tough as the next man, ruthless and decisive in emergency, disarmingly flexible and supremely adaptable. His patient genius is plain to see in the record of his evasive and triumphant career as a guerrilla leader.

In other words, the difference between the two

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"schools" is only one of timing and method, never of aim or purpose. Moreover, there seems to be no doubt that, however divergent opinion may be at an opening discussion on Party policy, once majority opinion has been determined the minority conforms and a unanimous Party front is maintained. So far, there is no evidence of recrimination or of open breaches, although the two schools still contend and doubtless seek to increase their support. After the passing of Mao, who dominates the scene and who enjoys widespread personal respect and even affection, the picture may change. But, over-all, to talk of splits and disunity in the Peking regime is to talk dangerous nonsense.

Was the invitation to "let all flowers bloom together" a trap for the intellectuals?

BEST-INFORMED opinion in Peking agrees that the decision to encourage criticism of the Party and its methods by *non-Party* intellectuals and scholars was primarily an error in judgment, committed by the Party theoreticians against the advice of Chou and his administrators.

The *cheng feng* ("change the wind") movement was blowing gustily through Party ranks, but the rectification and self-criticism had been discreetly confined to the Communist family. Liu and other theoreticians, it is said, persuaded Mao to widen the scope of Party criticism and to see what non-Party scholars had to say. After some natural hesitation, the coy scholars were coaxed to say plenty. There is no doubt that most of the Party leaders were surprised, as well as embarrassed, by the depth and vigor of the criticism and the uncovering of deep-rooted heresies in intellectual circles. (Some observers suggest that Mao was not as greatly surprised or shocked as his advisers were; but the visitor to Peking tends to suspect that, just as legends become myths, so Mao's undoubted gifts of frequent prescience are being emotionally magnified into a vision of perpetual omniscience. He is good but he is not god.)

The disharmony in the flower-garden would seem originally, then, to have been the result of imprudence by the Party theoreticians, but doubtless it was also motivated partly by hopes of rolling some bad apples into the open. If so, the Party outsmarted and hurt itself. It has rashly uncovered widespread discontent among the scholars, which it should have sensed and dealt with discreetly and systematically; it has also confronted itself with an embarrassing dual task of punishment and discipline.

All the evidence indicates that the Party has not yet made up its mind on the severity of the punishment to be inflicted on the "monsters, liars, hypocrites, saboteurs and slimy leeches" which it has been trustingly nurturing in its bosom. The three "rightist" Ministers who have been ferociously denounced as arch-offenders—Chang Po-chun (Communications), Lo Chung-chi (Timber) and Chang Nai-chi (Food)—are still holding office—and, according to plausible report, are working with increased fervor, humility and conscientiousness.

If, by the time this is published, the Party has begun to hand out prison terms to "rightist" intellectuals, it will be a reasonable deduction that Chou's school has prevailed and that the Party line has shifted from patient persuasion ("brute reason" and the carrot) back to physical compulsion ("brute force" and the stick). One should never predict Communist Chinese events, but, on form, the odds are against any such retreat—on a widespread scale, at any rate.

Most of the offending intellectuals have admitted their crimes in nauseating self-abasement and sought forgiveness and a second chance. They are pathetically anxious to dissemble; the Chinese are very good at dissembling. Anyway, what can they *do*?

What is the regime's biggest problem?

THE OLD and unchanging one: food, food, food. Which is, of course, just another way of saying too many people.

Last year's harvest was a bad one. Grain stockpiles outside Peking and Shanghai were all drawn on early this year to meet shortages in areas hit by natural disasters. The regime admitted that 500 starved to death in Anwhei province—although it insists that the deaths were attributable to bureaucratic bungling, that no one need have starved.

This year's harvest has been plagued by drought and flood. The results will not be known openly until February-March next year. The regime has slowed down the pace of industrialization to provide more funds for agriculture and has reduced the area under cotton (thereby cutting back the clothing ration) to sow more grain.

All the uproar over the "rightists" and the current shakeup inside the Party, like all the bureaucratic errors and inefficiency in planning, becomes insignificant under the shadow of the ancient Chinese fear of famine, which respects the directives of Comrades Marx and Mao as little as it did the edicts of the Emperors.

The regime has launched bold, imaginative and realistic measures to curb flooding and natural disasters and to increase production, but the problem is gigantic and all solutions must be long-range. The monstrous population increase represents one million a month, or say 25 head a minute. So, after much brave whistling in the dark, birth control has at last been promulgated as Party policy. There are strange, tawdry displays of birth control apparatus and explicit, embarrassing illustrations of contraceptive technique in shop-windows. Maybe the new fashion will catch on—in the cities, anyway.

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How serious is student discontent?

NO FOREIGNER can pretend to give a full answer to this question. I was in Peking at the time of the publicized ferment in Peking University, when the wall newspapers erupted in a rash of complaints and criticism. "Progressive" elements moved in sharply when these complaints—mainly about favoritism for Party members' relatives, stifling of free speech, transfer to farms, and so on—became less general and more specific. Mass meetings of correction and self-criticism were organized by authority, and known or suspected rebels were browbeaten in the humiliating personal and public demonstrations of *szu-hsiang, kai-tsao* ("thought-reform" or "brain-washing").

University students must now submit to "political" examinations before being approved for a profession, and the threat of "voluntary" enlistment for "glorious rehabilitation, productive and pioneering work" in remote, undeveloped regions hangs over the helpless heads of recalcitrants.

Mao presumably knows how far he can safely and effectively go in controlling and "re-moulding"—as the new jargon has it—restless adolescent minds. It should be remembered that his own earliest and most successful Party experience was concentrated on the organization and indoctrination of students.

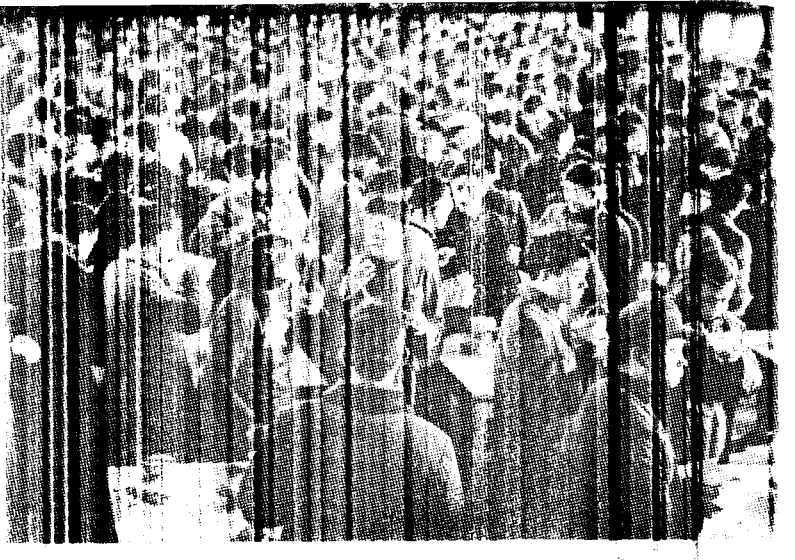
The calibre of teachers in Chinese universities is not high. Neither, for that matter, is the calibre of most of the students.

Another point for reflection: Japanese leftist students displayed during the MacArthur Occupation, and still display today under conservative authority, far more spirit, courage, resolution and independence than do China's divided and confused "rightist" students.

Has cooperative farming been a success?

IN ORGANIZATION, yes. In efficient operation, certainly not. In production targets, no. The regime candidly concedes many errors and blunders, will defer large-scale mechanization (according to Chou) for "at least 10 years," retreated to the free market early this year to encourage production of pigs, poultry and peasant handicrafts, and is breaking up large-sized cooperative farms into smaller and more economical units.

Perhaps Mao erred in July, 1955, when he suddenly forced the pace of collectivization of China's 500 million peasants to meet the deadline of spring sowing this year. The Agricultural Ministry has said that 30 percent of the peasants were "reluctant" to join the cooperatives, but claims that "virtually all" are now working happily together. It is difficult to believe that any peasant anywhere, after having been granted land for the first time in 1949, is delighted to have it taken back by the State eight years later. The regime asserts most peasants earn "substantially more" under cooperative effort than they did under the landlords, even if production has not been up to expectations. This may be so, although it is recognition of past misery rather than tribute to present triumph. No one can pass judgment on these official claims, and—given the elementary efficiency and dubious accuracy of Chinese farm statistical methods—possibly the administration itself is in some confusion over the results.



Student Restaurant, University of Peking

Certainly many of the Party cadres who were sent out into the field to explain and popularize cooperative farming were stupid, arrogant, juvenile and poorly trained. Some were corrupt. There is at present a ruthless turnover of agricultural cadres, and trained trouble-shooters are now being dispatched to key areas, with specific instructions to listen patiently to the grumbles and ideas of old, conservative and skeptical farmers, whose support, once foolishly ignored, is now being earnestly and even humbly sought.

Teng Hsiao-ping has admitted this month that it will take five years for all Chinese farmers to raise earnings to the income level of middle-class (*i.e.*, reasonably well-to-do) landlords in pre-"liberation" days. This is a statement which is vague enough to permit continued experimentation with a margin for disappointment, while still sufficiently encouraging to keep alive hopes which the average Chinese peasant, it must be remembered, could never indulge at all under the old regime.

What prospects are there of rivalry and friction between Peking and Moscow?

JUST AS UNITY in leadership is an internal obsession with the Peking regime, so is maintenance of a solid Communist world bloc the basis of Peking international policy.

Mao must frequently groan over Moscow's heavy-handed and short-sighted application and expression of world Communist policy. Nor has he forgotten that, in 1945 at Potsdam, Stalin described the Chinese Com-

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munist Party as "radish Communists" ("red outside, white inside") and in 1949 earnestly tried to dissuade Mao from fighting Chiang Kai-shek and to persuade him to "cooperate" expediently instead with the Nationalists. But Mao and the Chinese Party will—at all costs and in all selfishness—stand firm with their Soviet comrades. Mao's influence will be directed invariably to the upholding of Moscow authority in satellite countries.

What will happen in, say, a decade, when China is not so dependent upon Russia, is a matter for speculation. No one who knows the Chinese Communists believes that, in ascendancy, they will tolerate any Russian interference in, or competition with, their aspirations for hegemony in Asia. Moscow cannot relish Mao's growing assurance and articulateness as the new Messiah of world Communism. But each side has too much to lose to allow the other to break or drift away.

Washington's policy at the moment is serving only to strengthen Russia's role as benign Big Brother. Khrushchev's secret satisfaction at the continued exclusion of Communist China from the United Nations must be as warm and grateful as Chiang Kai-shek's public satisfaction.

Individually, Russians are not liked in China; they are paid too much, live too well and loot the State stores of small luxuries too conspicuously. (You never see a Russian, man or woman, in the street who is not staggering under the weight of a great sack of booty from the stores.) However, the army of Soviet technicians and advisers inside China is currently withdrawing. In Peking, Shanghai, Lanchow, Sinkiang and Hankow, there is the same story of substantial and continuing withdrawals of Russian advisers. Whether this is a temporary or permanent retreat will not be known until the second Five-Year Plan gets under way next year. Party pronouncements now stress the need for "greater and more glorious Chinese self-help, self-effort and self-reliance."

What went wrong in Tibet?

EVIDENTLY the Party tried too hard, too quickly. Chou's impatient line, it would appear, prevailed here over Mao's persuasive line. Religion, tradition and superstition were treated too roughly. Besides, India was watching.

Now, it seems, Mao has intervened, accepted the reverse philosophically but realistically, withdrawn most of the Chinese cadres (but not his 100,000 troops) and openly postponed for at least six years all attempts to communize Tibet.

The contrast in Sinkiang, another remote, rebellious, non-Chinese border region, is impressive and instructive. Here the Peking regime has proceeded slowly, cautiously and successfully. The Russians have ostentatiously bowed out of Sinkiang—although settled firmly in Outer Mongolia—and surrendered all visible influence in administration and development to Peking. A virtually unknown Party boss, Comrade Wang An-mou, who was handpicked by Mao himself as Party secretary for Sinkiang, has cossetted Moslem tradition and Tartar tribal superstition. Persuasive indoctrination has kept pace with Communist development. Rules for cooperative farming have been modified and adjusted to conform with nomadic custom. About 28,000 members of the Tartar, Uighur, Kazakh and other non-Han races in Sinkiang have been admitted to membership of the Party; the overwhelming majority of those who joined the Sinkiang branch of the Party in the last six years were non-Chinese. Even where there are local majorities of Chinese, Comrade Wang has manipulated racial representation in local government to give the non-Han population gratifying but harmless "face."

It can be taken for granted that Peking will now adopt similar measures for its patient second approach on Tibet, which remains safely in Party hands anyway. Another sympathetic Comrade Wang must be found. The necessary step backward has been taken gracefully; the succeeding two steps forward will follow purposefully and inevitably.

Has Chiang any chance of a comeback?

IT IS TIME to say openly what most foreign correspondents in Asia know privately: That no intelligent US official in the Far East, speaking off the cuff, seriously believes that Chiang Kai-shek has any future in China.

There is—and there will doubtless continue to be—discontent inside China, but, even in the event of, say, a long series of bad harvests and natural disasters, which, hypothetically, shook the loyalty of the People's Liberation Army because of famine in the Red soldiers' home villages, Chiang would still not be acceptable to the Chinese people as a restored leader. He had his chance, and it was lost, irretrievably, in corruption and inefficiency. Any invasion attempt by the Formosa garrison, with only the US shipping aid, would be damned as foreign-sponsored aggression.

The resurgent nationalism of the Chinese people, who believe that their country, unified and progressive, is at last winning a place as a world power, more than matches the discontent. Here the Chinese are reacting as Chinese and not as Communists or anti-Communists. The great majority are not interested, unhappily, in the lost spiritual freedoms, over which the liberal and sentimental West broods on their behalf. ("Non-existent" is better than "lost," because the majority never had these freedoms.) China's intellectuals and scholars may, as a minority, yearn for those vanished liberties, but even they have no particular reason to associate them—any more than to associate probity, equity and integrity—with Chiang's discredited cause.

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BOOKS & COMMENT

Deceptive Cadenza

by Victor Lange

THE CRAFT of civilized fiction seems in our time no longer to have the appeal or the integrity it once enjoyed. The cultivated story-teller is suspect: we are likely to find him anemic or slick and lacking in the intensity of perception and the complexity of statement that we have come to demand of the novelist. Isak Dinesen is a rare example of the thoroughly urbane writer

Last Tales, by Isak Dinesen (Random House; $4).

whose artistry is the measure of a disciplined and seasoned mind and whose narrative manner corresponds precisely to her notions of the purposes of communication among men. The jacket of this charming book will remind those who need reminding that she is, in fact, the Baroness Karen Blixen, a member of the Danish aristocracy and a widely travelled woman of the world.

Out of Africa, perhaps Miss Dinesen's most personal work, remains, after 20 years, a superb account of life in East Africa; and her *Seven Gothic Tales* and *Winter's Tales* have long been classics which the charms of this new book should bring into fresh popularity.

Miss Dinesen renders life, or a view of life, in a series of exceedingly well-told stories that range from a brief and sharply focused anecdote to the more sustained history of human beings in their puzzling relationships to themselves and to the world about them. The mystery within life, the infinitely varied presence of truth, the aspirations and failings of men—all these are in her books brought within reach of our comprehension by becoming the topics of civilized discourse. She knows that in the presence of the most unsettling incident, the mind of the story-teller remains and must remain imperturbable and clear.

These *Last Tales* are narratives in Miss Dinesen's established formal tradition. Each of them begins with a finely developed setting from which one or two carefully described figures emerge, characters to whom the narrator is bound in recollection or emotional sympathy. They can be called romantic only in the sense that the imagination wonderfully elucidates the insufficiency of a life that has become all too formalized; there is little of the bizarre, of the extravagant or the fantastic in these well-bred tales. "'My grandfather'," says one of the characters in "Tales of Two Gentlemen" —both of them widowers, playing piquet in a small salon next to a ball-room, sipping their wine and talking of ancient scandals, of the sad fate of common friends, of political and dynastic matters and at last of the universe in general—

> ". . . my grandfather, who was a very happy man and particularly happy in his married life, had built up a philosophy of his own, which in the course of my life from time to time has been brought back to me."

This is an opening typical of the relaxed and convivial atmosphere in which all these *novellas* begin, of the vivid present suffused with the fragrance of memory. And if this ample mood seems a little too conventional, we are at once drawn into the give-and-take of paradoxical discourse:

> "I remember your grandfather quite well, my good Matteo," said the other, "a highly corpulent but still graceful figure, with a smooth, rosy face. He did not speak much." "He did not speak much, my good Taddeo," Matteo agreed, "for he did, in accordance with his philosophy, admit the futility of argumentation."

We are now prepared for a series of entertaining anecdotes in the manner of Boccaccio, each of which ironically sets forth the silly efforts of husbands to prevent their wives' infidelity. And so, concludes the narrator's grandfather, we go through many dark hours of doubt, dread and despair and cannot reconcile our idea of divinity with the state of things in the universe around us:

> ". . . We should understand the nature and the laws of the Cosmos if we would from the beginning recognize its originator and upholder as being of the female sex."

It is in pursuit of the even pendulum swing of truth that we are expected to follow these polite ways of story-telling: Miss Dinesen finds a happy formula for it all in the words of a young singer in another tale who

> . . . was in good understanding with the cadenza, both the full or perfect cadenza and the deceptive cadenza, the *cadenza d'inganno*, of which musical dictionaries will tell you that it makes every preparation for a perfect finish and then, instead of giving the expected final accord, suddenly breaks off and sounds an unexpected, strange and alarming close.

Whether in Italy or Denmark, in the company of cardinals or French noblemen or Portuguese princesses—we always find ourselves listening to elegant and pointed talk among men and women whose lives have been brought to a moment of experience where they must explore and face their own destiny.

THE PATTERN of the quest determines the form of all these tales; literally and metaphorically every chief character journeys towards a dimly perceived goal, and in a critical encounter confronts the alternatives of his unexamined life, the images of his own potentialities. It is the special—if unfashionable—premise of Miss Dinesen's story-telling that these alternatives can and must be stated in rounded and therefore persuasive figures and situations. "What is human and what is divine?" "What is the vocation of man?" "Who am I?"—these questions are not pursued in the relentless manner and with the desperate doubts of a Sartre or Kafka, but posed by a mind that is as cautious in its skepticism as Montaigne's and as attached to the telling abundance of life as Santayana's.

And if life is to be encircled in this fashion it is the artist who must represent it both involved and detached. Musicians, sculptors and painters, but above all the tellers of tales perform this act

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of illumination by removing life from the living. "Stories," says one of the characters in the first story,

> ". . . have been told as long as speech has existed, and *sans* stories the human race would have perished. You will see the characters of true stories clearly, as if luminous and on a higher plane, and at the same time they may look not quite human, and you may well be a little afraid of them. That is all in the order of things."

Here is a central comment on Miss Dinesen's method: her form of narrative corresponds to a form of faith both enlightened and sensitive which is alone, for her, capable of distilling the diffuse elements of life:

> "For within our whole universe the story only has authority to answer that cry of heart of its characters, that one cry of heart of each of them: 'Who am I?' "

This attachment to an aesthetic dialectic may strike us as a little precious and dated, and, indeed, when we test some of the alternatives around which these stories are built—art and love, passion and responsibility, community and the individual, continuity and the instant of creation, even romance and tragedy—we realize their thematic proximity to a kind of antithetical perception that is familiar enough in the past masters of European fiction. And like Gide or Mann or Hesse, Miss Dinesen leaves the haunting question "whether to go to the right or to the left"—as perhaps it must be—unresolved. Yet the question insists upon its legitimacy and imposes upon us an inescapable and tragic charge to pursue the whole.

From these ingredients—the quest after insight into the identity of man, the affirmation of a firmly ordered society, and an acceptance of the binding continuity of culture in which human aspirations assume form—from all these Miss Dinesen derives the materials, the figures, plots and topics of her tales. She has an extraordinary sense of the tussle between the ominous and the resolute, between the blind and the articulate in man. In "A Country Tale," perhaps the finest part of the book, she gives a powerful account of lives interlocked in the grandeur and agony of their own uncertainty. Against a magnificent background of natural beauty, at first idyllic and then more and more intense and primeval, she unfolds a saga of family relationships which moves steadily from the surface of an aristocratic society to the totalizing issues of justice and retribution. Here Miss Dinesen achieves remarkable effects by a grand epic manner, by a slow alternation of simple narrative forms, of fairy story and nursery tale, of chronicle and saga elements, and of a strong yet polished and courtly language.

But all praise of Miss Dinesen's admirably honest and cultivated writing must in the end turn upon her delicious resources of humor:

> On the landing the young men for a moment were held back by a mature beauty turning herself before the mirrors, and reflecting, as she shook the fringes of her mantilla into order: "Nay, mirrors are not what they used to be," then sailing on through the doors.

She is never sentimental and it is her eye for the comic detail and the absurd scene that lends to her fundamentally

Letter to an American

THE day becomes half evening, half rain.
Glum automobiles trail their sneakers down
The street. A lost plane burrows in my head,
And life is different. The pastoral heart
Has stopped, and in its chambers lies congealed
A limpid afternoon. Surely it is
An afternoon we took our paper route,
The soft afterschool blanching as we hurled
The folded news of arson, theft and ruin
Against the vague screen doors of bungalows.
Though fierce dogs sprang like dirty jokes
At us from houses where they never paid
Their bill, you never quite believed the news
We brought. You read the news and thought:
"The boyscout prince will triumph in the end."
In the field of afternoon you paused to hear
The locust make rachitic obsequies
To Sycorax. And then you went to seek
A palace for a democratic prince.

American, you came of course upon
The ruins of Eden where once another
Princeling came. His name was Alexander. Here
He saw the black blood of dinosaurs
Seething like music from the earth.
Afraid, he made a sacrifice to Pallas;
Then, sacrosanct and cruel, pressed on through Persia.

But you remain untroubled, lolling in
That city anchored in the martian blood.
Only an American could bear the scene
That frightened Alexander.
Prince, prince
At last. Your palace hangs with bats by day
While all night long wind flings the dry gray hail
Of Asia's poverty against your walls.
About your sleep the beams of empires fall,
And people settle over everything like dust.

RADCLIFFE SQUIRES

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skeptical view of life the radiance and plausibility of true wisdom. For it is wisdom that gives light and resonance even to that silence to which after the gay and promising discourse we must eventually return:

Where the story-teller is loyal, eternally and unswervingly loyal to the story, there, in the end, silence will speak. Where the story has been betrayed, silence is but emptiness. But we the faithful, when we have spoken our last word, will hear the voice of silence.

The Law of the Gallows

by Charles Curran

HARD CASES make bad law; but they also make excellent tests for a generalization. Mr. Giles Playfair and Mr. Derrick Sington believe that it is wrong for society to put any lawbreaker to death; and they test this generalization by applying it to six of the hardest cases they can find. The six include Neville Heath, the English murderer who killed for the sake of sexual pleasure; Julius and Ethel Rosenberg, convicted as Communist spies; Irma Grese, the Nazi wardress who took part in the mass extermination of German Jews, and who was hanged as a war criminal at the age of 22. The first half of *The Offenders* describes each hard case in detail. "Here" say the authors, in effect "are half a dozen lawbreakers whose misdeeds aroused horror. Let it be granted that each was guilty of an offense peculiarly repugnant to society because of its perversion, or its treachery, or its cold-blooded ferocity. Very well. Now let us state our arguments against the death penalty even for acts such as these."

The Offenders: The Case Against Legal Vengeance, by Giles Playfair and Derrick Sington (Simon & Schuster, $3.95).

The book is a superb display of dialectical skill. It will become a classic of the capital punishment controversy. For it challenges every one of the grounds—legal, social, instinctive—on which supporters of the death penalty stand.

There are only four countries in the world, say the authors, where the death penalty has been completely outlawed; Western Germany, Ecuador, Uruguay and San Marino. All the other so-called abolitionist countries retain it for treason. Norway, Denmark, Holland and Belgium, which do not execute for murder, nevertheless put their wartime collaborationists to death.

The current campaign against the gallows in Great Britain seeks, similarly, to end execution for murder but not for treason. Mr. Playfair and Mr. Sington demonstrate without much difficulty that the distinction is logically indefensible. To make it is to concede that you do not believe your own arguments, which are just as good for the traitor as for the murderer. They insist that the case against capital punishment is indivisible. If it is valid at all, it must apply equally to Neville Heath and to the Nazi leaders hanged at Nuremburg. "However horrifying a crime," they say, "the proper way to answer it is not with capital punishment. For that is to answer horror with horror."

Their argument can be reduced to two propositions. The first is that punishment must fit the criminal, not the crime. Secondly, it must be curative, not retributive or deterrent. It should seek to remedy the impulses, the personality defects or the beliefs that caused the offence. "The fixing of punishment" say the authors "should not be left to the whim [*sic*] of a judge, but should be decided scientifically, after a full investigation of the criminal's background and character, by social workers, psychologists and psychiatrists."

Now if these propositions are accepted, they terminate the rule of law — not for capital offences only, but for all others as well. Law postulates free will. The rule of law is founded on the premise that every citizen is responsible for his acts, that he can control them if he chooses, that he knows what he is doing. If any lawbreaker denies this premise, the burden of proof rests on him. If he or his counsel can discharge the burden, by establishing that he is not responsible, he goes unpunished; but he is deprived of his liberty as insane —that is, as incapable of exercising free will.

By their argument, Mr. Playfair and Mr. Sington dismiss the rule of law as mere juggling with words. They point out that offenders such as those they cite include psychopaths, moral imbeciles, persons who may know that there is a difference between right and wrong, but are hopelessly vague about what it is. Undoubtedly, there are such persons; and in the post-Freud era we know much more about them than we did. But instead of urging that the legal definition of insanity needs to be brought up to date, Mr. Playfair and Mr. Sington pour out the baby with the bath-water. They want every lawbreaker to be given psychiatric treatment, with the aim of remodelling his personality so that he will not offend in future. Instead of law, they seek to substitute brain-washing.

Their proposal is a mixture of faulty reasoning and unproved assumption. To

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infer that, because some criminals are irresponsible although outside the legal definition of insanity, therefore all criminals are irresponsible is a non sequitur. To assume that criminals can be brainwashed into conformity is both unprovable and, on the face of it, improbable. What ground is there for supposing that a psychopathic personality such as Neville Heath's, disordered indelibly from his childhood, could be made normal? Diagnosis may well be possible; but it is going beyond logic to infer that therefore cure is possible. For most of the components in a personality—heredity, upbringing, experience, the growing awareness of inadequacies and the distortion that this may cause—are as immutable as the loss of an eye. Yet none of them necessarily negates free will.

But suppose it were not so. Suppose we assume that mass experimentation, with lawbreakers everywhere turned into psychiatric guinea-pigs, will give us sure-fire techniques for remodeling; what then? To achieve such results, the State will need power over criminals so vast as to make Sing Sing and Alcatraz seem, by contrast, go-as-you-please holiday camps, more Rabelaisian than the abbey at Thélème. The rule of law deprives the criminal of his liberty, but it leaves him his personality. Mr. Playfair and Mr. Sington would deprive him of both.

Nor is this all. They say explicitly that one reason for seeking to "cure" the criminal is to use discoveries so made for the purpose of preventing crime. The vista that this opens up of a society where citizens' personalities are forcibly reconstructed because, in the opinion of some cabal of clinicians, they are likely to become lawbreakers—is nothing less than apocalyptic.

WHAT sort of norm would such a society impose? With the rule of law gone, what will be the fate of the deviant, the heretic, the dissenter, the Socrates who seeks to withstand the fiat of the cabal? How many nonconformist personalities, from the epileptic Paul to the alcoholic Eugene O'Neill, would have qualified for compulsory remodelling in the brave new world of Mr. Playfair and Mr. Sington? Only the rule of law, based on free will, can safeguard the individual. To strike at that rule, in the name of a Procrustean psychiatry, is to move backward to the witch-doctor.

In practical terms, the authors' proposals face one barrier that is at present impregnable (though it may not always remain so). This barrier is labelled Retribution.

The basic argument for the death penalty is that it is retributive. Society says to the murderer or the traitor "You have taken life (or, you have endangered our collective life). We shall punish you by killing you." Put crudely, retribution is legalized revenge. Mr. Playfair and Mr. Sington recognize that in order to extinguish capital punishment it is necessary to destroy belief in the rightness of retribution.

Can it be refuted? Mr. Playfair and Mr. Sington suppose that this can be done by means of argument and propaganda. But such a supposition takes no account at all of the social climate in which the belief has been nurtured. It is, in fact, an example of the intellectualist fallacy—the fallacy of imagining that men in the mass make up their minds by reasoning only, without reference to anything else. No more glaring example can be found than the attempt to overthrow retribution with the weapons of the debating society.

THROUGHOUT the Christian era, Western man has accepted retribution as a familiar and an integral part of his religion. For 20 centuries he has worshipped a God who banished all His creatures from Paradise not for their own misdeeds but for an act committed by their primordial parents, and who may inflict on some of them a punishment that will last throughout eternity. Whether Christian beliefs about the Fall, original sin and eternal damnation are valid is not here the question. Valid or not, they are part of Western man, his attitude towards crime and punishment, as to much else, is conditioned inextricably by them. He can no more repudiate them than he can disclaim his genes. To suppose that the law can be oblivious of this tremendous fact is idle. To argue that it ought to be oblivious is equally idle.

Consequently, the reasoning employed by Mr. Playfair and Mr. Sington—persuasive as it sometimes is, deriving as much of it does from compassion as well as logic—is utterly superficial. So long as Christianity lasts, so long as the societies that have accepted it retain any memory of their origins, for so long will Western man retain his belief in free will and in retributive punishment. If Mr. Playfair and Mr. Sington wish to root out those beliefs, they had better begin by trying to eradicate Christianity. At present, they resemble the zealot who applied to Talleyrand for advice on how he could create a new sect. Talleyrand's answer was prompt. "Get yourself crucified," he said, "and rise from the dead on the third day."

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Notes on Contributors

VICTOR LANGE is a professor of German at Princeton University. RADCLIFFE SQUIRES is on the faculty of the University of Michigan. CHARLES CURRAN, an English commentator on political and literary matters, has recently completed an extended tour of the US. ROBERT FULFORD was formerly TV critic of *The Toronto Sunday Telegram*.

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Time's Art: More Guff than McGuffey

by Frank Getlein

TIME INC.'S new art book, *Three Hundred Years of American Painting,* has already produced some amazing statistics. It uses, for example, 250 color plates of American paintings. This compares with 50 to 100 in the normal Skira edition and Skira wouldn't dream of using half a dozen of his well varnished cuts on American work. As an art critic, I have received at least two and sometimes seven promotion pieces on the book every week since last July. I know a museum director who has received all the promotion material I have plus a complete set addressed to each of his three predecessors. The book also has a flexible price schedule ranging from $15 for the *deluxe* edition, after publication, to $6 for the friends of *Time* stringers before publication.

Three Hundred Years of American Painting, by the editors of Time (Random House; standard edition — $13.50).

It seems pretty clear that, with the art mania now built in to American culture, the Time book will be the McGuffey's reader on American painting for the rest of the century. Examination of the book discloses statistics which, in their quieter way, are even more astonishing than those cited.

Using one of the few really reliable measuring devices left, the yardstick, I found, for example, that Winslow Homer has 24 inches of type; a younger painter, Grandma Moses, has 33.

Picture counting, in a picture book, is also a fairly reliable measure of relative value. In the chapter on the three celebrated expatriates of the late 19th Century, Whistler gets two reproductions, Cassatt gets three and Sargent gets six, just about a complete reversal of the esteem in which the painters are held by scholars, critics and collectors.

As would be expected from the source, Time's book is replete with souped up chapter titles: Heirs to Glory, The Headhunters, From the Heartland, Northwest Passage, Artists on Horseback and so on. One of these, The Melting Pot, is devoted to non-American painters of the 20th Century, immigrants or Americans who spent many years abroad. The chapter builds up to a long and sympathetic passage on Henry Koerner including two very large reproductions of his not particularly impressive paintings. The chapter also has full page or better reproductions of Jacob Lawrence, Dong Kingman, Savo Radulovic, and Fernando Garassi, all of whom are more impressive than Koerner, though it is difficult to see how Lawrence, a Harlem Negro, fits in with the group. The real trouble with the group is that while all these people are building up to Koerner, four painters appear as relatively unimportant members: Max Beckman, Josef Albers, Yasuo Kuniyoshi and Abraham Rattner. On the basis of both general reputation and intrinsic merit any one of the four is worth more than all the others and vastly more than Koerner.

What happened to Rattner in the chapter noted above is something that goes on most of the time in the book's treatment of 20th Century painting. The author, Time's art editor, Alexander Eliot, and his credited assistants, who range, like the titles on an MGM movie, from Henry Luce to the stringers, apparently have an irresistible urge to classify. When the contemporary American artist is finally stuck, wriggling on his pin, he'd damn well better stay where he is and not try to do anything else. Thus Alexander Brook gets a brief mention and a tiny reproduction as the lead-in artist to the depression years. The fact that Brook has inconveniently continued painting for another twenty years, the fact of his national repute based on brilliant portraits and lovely nudes and the fact of his recent still life painting that ranks with any in American art, have nothing to do with the case.

The souped up quality of the chapter titles is very much present in the text. Stylistically—and I take this to be true of Time style generally—the main characteristic is an extremely treacherous use of the classical allusion as developed 40 years ago in the poetry of T. S. Eliot. At its most typical this is based on a phrase which, if used straight, would be a cliché. Eliot—T. S.—used the device with total control based on scholarly knowledge and it always worked, bringing in the reference and giving it the new twist that retains both the original meaning and a wry comment on that meaning in the light of present circumstances. In its use by Eliot—Alexander—the classical allusion becomes a tiger held very loosely by the tail. An example is the book's transition from depression painting to war painting in the early forties:

> With the coming of World War II, the thunder on the left . . . was drowned in larger thunders.

The key phrase must have seemed an apple on the bough to Eliot—Alexander. Yet when you finish the sentence what he has said is that the concern with the troubles of America's victims which characterized depression painting vanished in some kind of call to arms, national unity and perhaps *la gloire* of World War II. In fact the concern with the American as victim is the dominant note of war painting. There were, to be sure, some pearl handled portraits of Patton but the bulk of our war painting showed the same victim of the system still being victimized.

DESPITE Time Inc.'s well known dedication to the upbeat in American life and art, I do not think this perversion of history is deliberate falsification so much as sheer carelessness in the Eliotic—T. S.—manipulation of classical allusion. Carelessness, in fact, characterizes the book. I have always been amazed that the swarms of Time's research assistants have never been able to approximate the simple accuracy of any conscientious reporter working single handed. One measure of the carelessness here is a random handful of omissions: Duveneck, Anschutz, Raphael Soyer, I. Rice Periera, Isabel Bishop. Perhaps the most staggering omission is Peto although there is a passage on Harnett and the bibliography lists Frankenstein's volume "After The Hunt," which showed that Peto painted many of the better Harnetts.

The book throughout makes little pretense of either criticism or appreciation. Despite all the color—(you get the feeling that Time rather resents Frank Kline's limited palette which provides the only black and white in the book) the text is essentially a grab bag of amusing anecdotes about American painters.

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TELEVISION

Sinatra with Sweetening

FRANK SINATRA'S Friday night series on ABC (sponsored by Chesterfield cigarettes and Bulova watches) is still young, but it has already provided just about as good an example as I can remember of the terrible disease that inflicts television variety shows. It has no name, but the symptoms are superficial smoothness, lack of emotion, cheerful banality, and something that can only be called intentional dullness. The first thing that should have been recognized by anyone planning a show around Sinatra is that he is, most emphatically, his own self. Whether you happen to like it or not (I do), Sinatra long ago established a public character that is both interesting and diverse. And the most interesting part of this character derives from the fact that Sinatra is—well, there's no better way to say it—not nice. He is tough, sardonic and often funny in a rather rude way. Now there are plenty of people who are not nice, but few of them earn their livings as popular entertainers, and, in a world all too well supplied with nice guys, we should be grateful for them. By their presence they suggest that all life does not exist on the level of country-club chumminess.

Sinatra has managed to place himself as far from the ethic of the nice guy as he can get, and nothing shows this better than his occasional embarrassed attempts, on shows like Ed Sullivan's, to indulge in the back-slapping, hand-grasping, phony intimacy affected by so many performers. On the contrary, Sinatra—and I should make plain here that I'm talking about the personality he has shown the world, not the one the gossip writers discuss—gives an impression of deep, well-founded suspicion of the world and its ways.

But there is more to Sinatra than this negative quality. His acting and singing seem to speak intimately of a special view of life—life lived dangerously but honorably. In the romantic love songs that he somehow manages to convert to something worthwhile, Sinatra achieves the same kind of dignity that French critics used to find in the work of Humphrey Bogart. He has, in the shortest phrase, character—and if this character sometimes seems a little dated it is nevertheless worth encouraging.

But "character" is on its way to becoming a dirty word in television, if it is not already, and Sinatra seems foolishly intent on conforming to whatever shallow standards television imposes. In the third program in his series the producers, obviously with Sinatra's agreement, did everything possible to wipe out the subtle hardness that makes him interesting. Almost every song was given a "pretty" treatment: as he sang *You'd Be So Nice To Come Home To,* a few blank-faced models wandered aimlessly around the stage; during *The Girl Next Door,* a young lady sat in the background, presumably so we would know what he was talking about; in *Violets For Your Furs,* Sinatra was shown buying flowers from a nice old lady and returning them to her, lovingly. Several times he appeared in a schoolboy's open-necked shirt, in what appeared to be an attempt to make him look like Pat Boone.

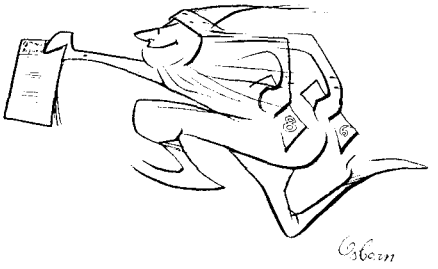
All this reached some sort of climax when Sinatra's daughter was brought on with two of her schoolmates to sing *Exactly Like You* in a style copied from any one of twenty other female vocal trios, and to join Sinatra in a pointless parody. There was also a sad attempt at a solo comedy performance. Sinatra, starting from the report that an Italian orator had lectured in favor of the abolition of women, defended women for five minutes in the facetious manner of a columnist on a small-city daily. At times, especially when he said "I'm fer yoo women hunert percent," it sounded like a parody of Sinatra: not the Sinatra of the recent LP records or the Sinatra of *From Here to Eternity* and *The Man with the Golden Arm,* but the Sinatra of *Anchors Aweigh* and other lightweight extravaganzas of the forties.

For anyone who has watched Sinatra's career with admiration, the most embarrassing moments turned up in the commercials. He chanted some feeble adman's prose-poetry about Chesterfields, voice-over some films of cigarette machines in full swing: "You're smokin' smoother," he shouted, "you're smokin' clean." "Flavor—big, clean and free as the sky." This time it sounded like a parody of the Sinatra ethic, invented by his enemies.

Now the saddest part of this is that it is unnecessary. The people who have bought Sinatra's records by the millions and made his movies immensely successful are not enthusiasts of the Bobbsey Twins. They have shown that they like the Sinatra character, with all its toughness and disdain for the so sweet. But his sponsors and his network seem to have other ideas. (The sudden attack of niceness that overcame Steve Allen when he moved into Big Time TV in 1956 may illustrate the same sponsor bias.)

All prior evidence suggests that it should be extremely hard to freeze Sinatra into this mold; he not only can sing a popular song better than almost anyone else in the world (and certainly better than any other male performer), he can act magnificently and tell jokes better than most non-professionals. There is, in fact, an excellent case to be made in support of the notion that Sinatra is the most effective and most enjoyable popular artist around. This did occasionally emerge on the ABC variety show: the Sinatra character managed to shine through once or twice — just often enough to let us know it's still there. But it may not be there for long. The following night, Perry Como remarked to a guest on his show, "I don't know a straight line from a gag line——I'm just here." This is the saddest of fates for a performer of any kind—to be "just here"—but it happens all the time in television, and it seems to be happening to Sinatra.

ROBERT FULFORD



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Correspondence

(Continued from page 3)

—in the educational world and in the political world. Mr. Johnson says:

> [Mencken] was a free man, not merely politically but free from the stricter bondage that the desire to be popular imposes . . . how sad it is that Mencken, the Old Defender of freedom and intelligence, is not here to denounce the regimen of pap in terms that would raise large blisters on academic hides.

Your readers might be interested to know the following facts:

1. On July 10, 1956, over the National Broadcasting System, in the evening, there was an hour-long program on the late H. L. Mencken. The program was called Biography in Sound. I was on that program, and so were about a dozen others who knew Mencken. I pointed out that Mencken never said a really harsh word against the Nazis, he even saw much sense in Hitler's ideas, and his interest in civil rights stopped at the Rhine. On the same program Herbert Bayard Swope, former editor of the *New York World,* bluntly called Mencken a Nazi sympathizer. No one has ever successfully contradicted Mr. Swope or me.

2. In the Anti-Defamation League Bulletin for May, 1957, I have an article entitled "From Mencken to Maguire—The Tragedy of the American Mercury." In that article I allude to Mr. Swope's remark on the aforementioned Biography in Sound program over NBC. The editors add this footnote: "Asked about this broadcast, Mr. Swope told ADL that despite his personal affection for him, he felt that Mencken was an 'aginer'—pro-German in World War I, when the country sympathized with the Allies, pro-Nazi when Hitler came along, and contemptuous of Mr. Swope's editorial campaign in the old *New York World* which aroused the nation against the Ku Klux Klan in the 20's."

3. Mencken's own publisher, Alfred A. Knopf, admitted that Mencken was a Nazi sympathizer in an interview with Sh. Regensberg which appeared in the *Jewish Daily Forward* on November 18, 1956.

Those of your readers who would like to know more about Mencken "the Old Defender of freedom and intelligence," might be interested to read my book, *H. L. Mencken: A Portrait from Memory,* published nearly a year and a half ago. Nobody, not even the outraged editors of the Baltimore Sunpapers, have been able to disprove a single fact in it. Ordinarily I would hesitate to mention a book of my own in this manner. But I think I may do so with propriety in this instance since *The New Republic* did not review it.

CHARLES ANGOFF

New York City

► *Saroyan on Us*

SIRS:

THE piece under the heading of "Saroyan On Himself" was offered by me in good faith to the magazine under the heading of "New York Hotels, Plays, and Playwriting." Without my permission, the title was changed, and important parts of the piece were cut. The title-change and the cuts make the piece confusing, if not meaningless. One cut resulted in an incomplete sentence, and no meaning. You have cheated your readers more than you have cheated me. The piece will appear in its entirety as part of an introduction to *The Cave Dwellers* when it is published. In the meantime, I am not going to call this matter to the attention of the Writers' Guild, or sue, but in the future I shall expect you either to accept or reject anything I happen to offer.

WILLIAM SAROYAN

New York City

Our apologies to Mr. Saroyan. We are delighted that readers will have a chance to read his piece in its entirety in the forthcoming book.—Ed.

The New Republic welcomes communications from its readers in regard to subjects of current interest. Those of 300 words or less lend themselves to publication more readily than longer letters.

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